



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

**RE: JK-CO LLC  
Hancock County  
DHWM, NWDO  
Complaint 2824  
Return to Compliance**

March 13, 2009

Mr. Joseph Kurtz  
JK-CO LLC  
16960 State Route 12 East  
Findlay, OH 45840

Dear Mr. Kurtz:

Thank you for sending the electronic mails in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated December 12, 2008. The electronic mails were received by Ohio EPA on February 11, 2009, February 20, 2009, February 23, 2009, and March 5, 2009. The documentation submitted includes analytical results from the waste paint booth filters, bills of lading and other information related to the recycling of the used oil, information on the disposal of the waste wash water, and non-hazardous waste manifests from the disposal of the used oil contaminated soil.

After reviewing the submitted documentation, JK-CO LLC (JK) is considered a non-generator of hazardous waste since all evaluated waste streams are non-hazardous wastes. However, JK may generate new waste streams in the future that may be considered hazardous. At this time, JK also generates universal waste lamps and used oil.

My review of the documentation reveals that JK has abated all violations discovered during the November 21, 2008, compliance evaluation inspection as listed below.

**Violations:**

- 1. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

JK failed to evaluate the following waste streams to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site: a) spent lamps, b) wash water from cleaning the railcar cylinders, and c) paint booth filters.

- a. Spent Lamps-JK failed to have waste evaluation documentation or an established recycling plan in place for all fluorescent lamps generated at the facility.

***This violation is considered abated on January 19, 2009.***

- b. Waste Wash Water-JK currently washes railcar cylinders in the northeast corner of the old building. The waste wash water is mixed with hydraulic oil from the cylinders during the washing process. This mixture drains into a tank that is located outside of the old building. JK currently separates the used oil from the waste wash water. The waste wash water is then dumped outside.

JK failed to evaluate the waste wash water prior to disposal to determine if this waste is a hazardous waste.

**On January 26, 2009, Ohio EPA received documentation that included analytical results from the sampling of the waste wash water. These results showed that the waste was non-hazardous.**

**On January 28, 2009, Ohio EPA received documentation that included a bill of lading showing that Eagle Construction and Environmental removed 1800 gallons of the waste wash water.**

**On February 23, 2009, Ohio EPA received documentation that the waste wash water was taken to United Way Services in Dayton, Ohio to be treated as a non-hazardous waste water through the carbon treatment system located at the facility. This waste stream was not recycled as used oil.**

***Therefore, this violation is considered abated on February 23, 2009.***

- c. Waste Paint Booth Filters-JK has most painting done by an outside contractor; however, a small amount of painting is done at the facility. During the inspection, JK stated that JK does not use any paint thinners or solvent based paints, but waste paint booth filters are changed approximately every three months.

JK failed to evaluate the waste paint booth filters prior to disposal to determine if this waste is a hazardous waste.

**On February 11, 2009, Ohio EPA received documentation that included analytical results from the sampling of the waste paint booth filters. The results show that the waste paint booth filters are a non-hazardous waste.**

***Therefore, this violation is considered abated on February 11, 2009.***

**2. OAC Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators:**

"Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

JK failed to mark three used oil drums located outside the old building in the used oil storage area with the words "Used Oil."

*This violation was abated on November 21, 2008.*

**3. OAC Rule 3745-279-24, Off-site Shipments of Used Oil by Generators:**

"...generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers." Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

JK gave used oil to an employee to burn for heating purposes. JK failed to ensure that the used oil was transported by a transporter who had obtained a U.S. EPA identification number.

**On February 20, 2009, Ohio EPA received documentation that Crystal Clean picked up JK's used oil. In a phone conversation with Catherine McCord of Crystal Clean on March 3, 2009, Ohio EPA learned that the used oil from JK was being recycled through fuel blending.**

*Therefore, this violation is considered abated on March 3, 2009.*

**4. OAC Rule 3745-279-22 (D), Used Oil Requirements for Generators:** "Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

JK failed to clean up and properly manage the used oil around the tank and tote located behind the old building.

**On January 26, 2009, Ohio EPA received documentation including analytical results from the sampling of the used oil contaminated soil removed from the ground. The analytical results showed that the used oil contaminated soil was non-hazardous. Ohio EPA also received photographic documentation that all visible used oil contaminated soil had been removed from the area.**

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**On March 5, 2009, Ohio EPA received documentation that included non-hazardous waste manifests from the disposal of the used oil contaminated soil. This soil was disposed of at Hancock County landfill.**

***Therefore, this violation is considered abated on March 5, 2009.***

**General Concerns:**

- A. Used Oil Tanks:** JK currently has a tote and tank located behind the old building that collects the waste wash water/hydraulic oil mixture from washing the used railcar cylinders. It is unknown if these containers are properly labeled at this time.

JK should also be aware that depending on how much used oil is stored on site at one time, JK may be required to have a Spill Prevention, Control and Countermeasure Plan (SPCC). Within 30 days of receipt of this letter, JK should submit information that includes the capacity of the tank and tote located behind the old building.

**No further information needs to be submitted for this general concern. This general concern is considered addressed per the February 12, 2009, letter to JK.**

- B. Metal Shaving from Welding:** During the inspection, JK stated that the majority of the metal shavings from welding are placed in hoppers along with other scrap metal for recycling. However, occasionally an employee will sweep this material up and place it in the trash instead. Prior to this material being disposed of in the solid waste landfill, JK needs to verify that it is a non-hazardous waste.

**This general concern serves as a reminder to JK and is considered addressed.**

- C. Parts Washer:** During the inspection, JK stated that the parts washer fluid had not yet been changed. From Ohio EPA's inspection, it does not appear that this liquid is part of a continued use program. When JK decides this fluid is no longer useful and becomes a waste, then JK will need to have this fluid analyzed prior to disposal. Also, if there is a filter on the parts washer, then this filter should also be evaluated when spent to determine if it is a hazardous waste prior to disposal.

**This general concern serves as a reminder to JK and is considered addressed.**

- D. Solids from Cylinder Washing:** Any solids that are generated during the process of washing of the railcar cylinders (scraping the cylinder prior to washing or scraping the sides of the washing area) must be evaluated prior to disposal.

**No further information needs to be submitted for this general concern. This general concern is considered addressed per the February 12, 2009, letter to JK.**

- E. Current Painting Operations:** During the inspection, JK stated that JK does not use any paint thinners or solvent based paints, but waste paint booth filters are changed approximately every three months. Within 30 days of receipt of this letter, JK should submit a detailed description of the painting operation that currently takes place at the site. This should include the following information: what is being painted, how often the paint booth is used in a month, Material Safety Data Sheets (MSDSs) for the most commonly used paints at the site, how the paint guns are cleaned, what happens to waste paint, and if water based paints are used where does the water go from the cleanup of the painting process?

**During a site visit on January 14, 2009, JK submitted MSDSs for the paint used at the facility to paint the cylinders. JK stated that the paints used are water based paints and that the paint guns are cleaned using water. JK stated that no waste paint is generated, however, paint filters and water from cleaning the guns are generated. Unfortunately, JK's manager of the painting area recently passed away. Therefore, JK does not know how often the paint booth was being used or what was being done with the water generated from cleaning the paint guns.**

**In a phone conversation with JK on March 3, 2009, JK told Ohio EPA that generator knowledge is being used to determine that the water from cleaning the guns is a non-hazardous waste. This is based on the MSDSs of the paint and the waste paint booth filter analytical results. JK has not painted since Ohio EPA's inspection on November 21, 2008. JK has installed a 55 gallon drum for all water generated from the painting and gun cleaning process. This water will be disposed of once the drum has been filled. JK assumes it will take approximately one year to fill the drum. At this time, Safety-Kleen has agreed to dispose of this waste stream for the facility.**

**No further information needs to be submitted for this general concern. This general concern is considered addressed.**

- F. Future Sandblasting/Painting Building:** JK stated that in the future, they are planning on building a separate building to contain sand blasting and painting operations. Prior to starting these operations, Ohio EPA recommends that JK contact the Agency to discuss any new waste streams that may be generated. All wastes must be evaluated prior to disposal.

**This general concern serves as a reminder to JK and is considered addressed.**

Additionally, in a phone conversation with JK on March 3, 2009, JK indicated that a large parts washer may be purchased. This parts washer would be totally enclosed and would take the place of JK's previous process of power washing the cylinders by hand. All fluids would be contained in the parts washer. The used oil would be skimmed off the wash water, contained in a 55 gallon drum, and recycled. The wash water would be reused until it could no longer clean the cylinders. At that time, the waste wash water would be properly disposed. Ohio EPA would like to remind JK that the waste wash water (and any other waste generated from this process) would need to be properly evaluated prior to disposal. Ohio EPA recommends that the Division of Hazardous

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Waste Management be contacted once this process has been implemented but prior to any waste being shipped off-site.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,

*Kara Reynolds*  
Kara Reynolds  
Environmental Specialist  
Division of Hazardous Waste Management

/lb

cc: Colleen Weaver, DHWM, NWDO  
Kara Reynolds, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
~~DHWM, NWDO, Hancock County, File: JK-GO-LLC~~

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.